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| 10/625,493 | 07/23/2003 | Craig Alexander Will | SS0156C (NORT10-00325) | 8086 |
| 33000 | 7590 | 08/09/2007 | EXAMINER | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/625,493 | Applicant(s) WILL, CRAIG ALEXANDER | |
| | Examiner Thjuan K. Addy | Art Unit 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on May 17, 2007 has been entered. No claims have been amended. Claims 1-45 have been cancelled. No claims have been added. Claims 46-81 are still pending in this application, with claims 46, 64, 71, 76, and 79 being independent.

Double Patenting

2. Claims 46-63 and 76-78 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,721,410. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the claims of the instant application are broad enough to be encompassed by the limitations of the patent and as such it would have been obvious to one of ordinary skill in the art to implement the claims of the instant application using the claims of the patent in order to determine that a first individual is likely to be interested in communicating with a second individual via a first communications link, retrieving information via the first communications link about one or more additional individuals from electronic memory means associated with the second individual; and establishing communication with at least one of the additional individuals based on the retrieved information.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 46, 47, 51, 53-55, 59, 61-69, and 71-81 are rejected under 35 U.S.C. 102(e) as being anticipated by Goedken (US 6,393,423).

5. In regards to claims 46, 47, 54, 65, 66, 67, 74, 75, 76, 78, and 81, Goedken discloses a method for real-time communication among two or more individuals separated in space (e.g., chat room), comprising the steps of: determining that a first individual is likely to be interested in communicating with a second individual via a first communication link; retrieving information (e.g., address) via the first communications link about one or more additional individuals (e.g., private room) from electronic memory means (e.g., directory of potential participants) associated with the second individual (e.g., potential participant); and establishing communication with at least one of the additional individuals based on the retrieved information (See col. 2-3 lines 58-2).

6. In regards to claims 51, 53, 59, 61, 68, 69, 72, 77, and 80, Goedken discloses the method, wherein the communication established between the first and second individuals comprises exchanges or text messages (See col. 2-3 lines 64-2).

7. In regards to claims 64, 71, and 73, Goedken discloses a collaborative conferencing system comprising: a large virtual space room; a display (e.g., screen) for displaying in real-time a representation of only those persons (e.g., participants) in the virtual space room who have been defined as likely to be interesting (for example, the

participant may be a contact with similar interests); and means for establishing communications with the persons in the virtual space room (See col. 2-3 lines 62-2).

8. In regards to claim 55, Goedken discloses the method, wherein the information in the memory is obtained by observing previous communications between the second individual and one of the individuals in the memory (See col. 17-18 lines 62-12).

9. In regards to claims 62 and 63, Goedken discloses the method, wherein from observing previous communications between the second individual and one of the individuals in the memory, the frequency with which the second individual communicates with the individuals in the memory is determined and the individuals are sorted in the memory according to the frequency of communication (See col. 14 lines 43-67 and col. 17-18 lines 62-12).

10. In regards to claim 79, Goedken discloses a communication system comprising: a server (See Fig. 2, col. 9 lines 33-44, col. 11 lines 21-35, and col. 11-12 lines 66-18) connected to a wide area network for receiving from a first user an identification (e.g., address) of a second user (e.g., potential participant), and for sending, via a communications link connected to the server, information about one or more additional individuals (e.g., private rooms) from memory (e.g., directory of potential participants) associated with the second user, and for assisting in communication between the first user and the one or more additional individuals (See col. 2-3 lines 58-2).

Claim Rejections - 35 USC § 103

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
12. Claims 52 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goedken (US 6,393,423).
13. Goedken discloses all of claims 52 and 60 limitations except the method, wherein the first and second individuals communicate via real-time video. However, it is well known in the art to use real-time video (e.g., webcam) as a way of communicating. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the method with real-time video (e.g., webcam). People may prefer real-time video over text or voice communication.
14. Claims 48, 49, 56, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goedken (US 6,393,423), and further in view of Leipow (US 6,148,067).
15. Goedken discloses all of claims 48, 49, 56, and 57 limitations except the method, wherein the communication established between the first and second individuals is by real-time telephony. Leipow, however, discloses the method, wherein the communication established between the first and second individuals is by real-time telephony (See Fig. 1 and col. 2-3 lines 64-5). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention, to employ the method with real-time telephony, as a way of allowing parties engaged in on-line "chat" rooms, to

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communicate with each other via the telephone network using telephone stations.

Again, people may prefer speaking with someone instead of "chatting" in an Internet chat room.

16. Claims 50, 58, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goedken (US 6,393,423), Leipow (US 6,148,067), and further in view of Herz (US 6,029,195).

17. Goedken and Leipow disclose all of claims 50, 58, and 70 limitations except the method, wherein the communications established between the first and second individuals comprises exchanges of voice mail messages. Herz, however, discloses the method, wherein the communications established between the first and second individuals comprises exchanges of voice mail messages (See col. 80 lines 4-17 and col. 81 lines 14-25). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the method with exchanges of voice mail messages, as a way of allowing users to communicate with each other through the use of voice mail messages, which may be preferred over text messages.

Response to Arguments

18. Applicant's arguments filed 05/17/07 have been fully considered but they are not persuasive.

19. Applicant argues that Goedken's directory of potential participants are not associated with a particular individual, but is simply a list of participants who have

identified certain topics in which they are interested. Whereas, claim 46, of the present invention, recites that the invention retrieves information about one or more additional individual from memory associated with a second individual, therefore, Goedken does not disclose retrieving information about one or more individuals from electronic memory means associated with the second individual. Similar to claim 46, Applicant argues that Goedken, in respect to claim 76, fails to disclose retrieving information about one or more individuals from electronic memory means associated with the one person identified as likely to be interesting. Applicant further argues that Goedken does not disclose a display for displaying in real-time a representation of persons only those persons in the virtual space room who have been defined as likely to be interesting, as recited in Applicant's claim 64, or a display for displaying in real-time a representation of person from the virtual space room, as recited in Applicant's claim 71. Applicant further states that Goedken, in respect to claim 79, does not disclose a server for receiving from a first user an identification of a second user, and sending information about one or more individuals from memory associated with the second user.

20. In response to Applicant's arguments concerning claims 46 and 76, that Goedken does not disclose retrieving information about one or more individuals from electronic memory means associated with the second individual or that Goedken fails to disclose retrieving information about one or more individuals from electronic memory means associated with the one person identified as likely to be interesting, Examiner respectfully disagrees. Claim 46 merely recites retrieving information via the first communications link about one or more additional individuals from electronic memory

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means associated with the second individual, and claim 76 merely recites retrieving information, via a communications link, about one or more additional individuals from an electronic memory means associated with the at least one person. On page 11 and 12, of Applicant's Remarks, Applicant is arguing features, such as "each user in the system 100 has a personal directory 20 containing the names of other people with collaborative conferencing capability," disclosed with his or her specification, however, these features, nor the other features, are not recited in claims 46 and 76. Therefore, Goedken does disclose retrieving information (e.g., address) about one or more individuals (e.g., private rooms) from electronic memory means (e.g., directory of potential participants) associated with the second individual (e.g., potential participant) (See col. 2-3 lines 58-2) and retrieving information about one or more individuals (e.g., private rooms) from electronic memory means (e.g., directory of potential participants) associated with the at least one person (e.g., potential participant) (See col. 2-3 lines 58-2).

21. In response to Applicant's arguments concerning claims 64 and 71, that Goedken does not disclose a display for displaying in real-time a representation of persons only those persons in the virtual space room who have been defined as likely to be interesting, as recited in Applicant's claim 64, or a display for displaying in real-time a representation of person from the virtual space room, as recited in Applicant's claim 71, Examiner respectfully disagrees. Goedken does disclose a display (e.g., screen) for displaying in real-time a representation of persons (e.g., participants) only those persons in the virtual space room who have been defined as likely to be interesting (for

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example, the participant may be a contact with similar interests) (See col. 2-3 lines 62-2), as recited in Applicant's claim 64, and a display (e.g., screen) for displaying in real-time a representation of person from the virtual space room (See col. 2-3 lines 62-2), as recited in Applicant's claim 71.

22. In response to Applicant's argument concerning claim 79, that Goedken does not disclose a server for receiving from a first user an identification of a second user, and sending information about one or more individuals from memory associated with the second user, Examiner respectfully disagrees. Goedken does disclose a server (See Fig. 2, col. 9 lines 33-44, col. 11 lines 21-35, and col. 11-12 lines 66-18) for receiving from a first user an identification (e.g., address) of a second user (e.g., potential participant), and sending information about one or more individuals (e.g., private rooms) from memory (e.g., directory of potential participants) associated with the second user (and assisting in communication between the first user and the one or more additional individuals) (See col. 2-3 lines 58-2).

Conclusion

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

24. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

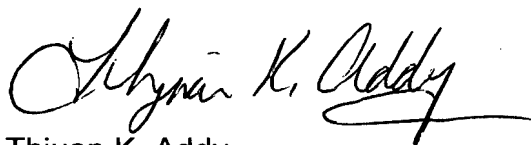
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thjuan K. Addy
Patent Examiner
AU 2614